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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,730

03/18/2004

Edward P. Busam

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03/03/2010

THOMPSON HINE L.L.P.
Intellectual Property Group
P.O. BOX 8801
DAYTON, OH 45401-8801

EXAMINER

ADDISU, SARA

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

03/03/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,730	Applicant(s) BUSAM ET AL.	
	Examiner SARA ADDISU	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-25,31-33 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 and 45 is/are allowed.
- 6) ☒ Claim(s) 22-25,31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/19/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Please note, upon further consideration the allowable subject matters (i.e. claims 22-25, 31 and 32) have been withdrawn and prosecution is REOPENED (with new interpretation/explanation of HOLLINGWORTH (USP 6,837,346).

Claim Objections

1. Claim 22 is objected to because of the following informalities:
 - lines 8-9 recites “a first releasable fastening mechanism positioned on or between said first panel and said first cover...”. Applicant should specify for the "on" option, if the fastening mechanism is on the first panel or on the first cover.
 - lines 10-11 recites “a second releasable fastening mechanism positioned on or between said second panel and second cover...”. Applicant should specify for the "on" option, if the fastening mechanism is on the second panel or on the second cover.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-25, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollingsworth (USP 6,837,346).

HOLLINGSWORTH teaches a binder comprising: a first cover (Examiner is defining the first cover to be 16, 28 and the area surrounding 28 as a unit); a second cover (18), pivotally coupled to the first cover; both covers being generally flat and planar ('346, Figs. 1-3); said first cover including a first opening (30); a spine (24) located between and pivotally coupled to the first cover (16) and the second cover (16) about a hinge. HOLLINGSWORTH also teaches a pocket (86: pocket including a first panel (88) and an opposing side defining a cavity there between and a mouth coupled to said first cover (i.e. portion (28) of said first cover) ('346, FIGURES 1-3). Furthermore HOLLINGSWORTH teaches a first releasable fastening mechanism (94, 94') positioned between the first panel (88) and first cover (i.e. portion 28 of the first cover) ('346, figures 1 and 2). HOLLINGSWORTH also teaches that the movement of panel (28) and pop-pop-out compartment (29) causes pockets (86) to be moved exteriorly outwardly and the opening to the pocket (86) is pivoted away from the first wall (16) (i.e. pocket (86) and its cavity is accessed from the first side by opening panel 30) and since panel 28 will be positioned exteriorly outwardly (i.e. to the left of the first cover's (16) plane). HOLLINGSWORTH also teaches the first panel defining a plane and having a first and an opposing second side whereby the access to pocket (86) will also be above the first covers' plane thus will not intersect said plane ('346, col. 15, lines 1-15 and figure 2). HOLLINGSWORTH teaches the binder being in the fully open position and HOLLINGSWORTH also teaches pockets (86) protruding interiorly (i.e. to the right of

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the covers' plane, the pocket and its cavity being accessed from the second side of the first cover and since they protrude interiorly, the access to the pockets will not intersect the plane of the plane) ('346, figures 3 and 4 & col. 14, lines 37-42). Furthermore, HOLLINGSWORTH teaches the fully closed and fully open positions are obtained via pivotal or rotational movement of first cover and/or second cover (18) along a hinge, pivot or spine formed by left side wall 24 ('346, col. 7, lines 51-54). When the binder is in the open position, the pocket cavity can be simultaneously accessed from both first and second sides of the first cover. When portion (28) is in its fully open position (i.e. pivoted to 180 degrees) such that panel (28) is parallel to the hinge line of the first and second cover, the pocket cavity would also include a mouth oriented "generally" parallel to said pivot line (see figure below).

HOLLINGSWORTH discloses the claimed invention except for a second panel of a pocket and a second fastening mechanism positioned on or between said second panel and said first cover. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pocket as a separate piece/casing that is removable, because it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Furthermore, an example of such modification is taught by HOLLINGSWORTH whereby a casing (66) having a first panel (76), a second panel (74), a first releasable fastening mechanism (82,82') positioned between the first panel (76) and first cover (i.e. portion 16 of the first cover) and a second fastening mechanism (84) positioned on or between said second panel (74) and said first cover (i.e. portion 16 of the first cover) ('346, figure 3 and col.

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12, line 37 through col. 13 line 43). HOLLINGSWORTH also teaches the added advantage of having a separate pocket/casing such as (66) for the purpose of the capability to selectively remove or detach it to be used independently of the carrying case binder ('346, col. 13, lines 34-43). The receptacle 66 can have any configuration or dimension and can be designed with a particular configuration and dimension to receive a particular type of object including an electronic device. Regarding claim 22, please note: when the first releasable fastening mechanism (82 and 82') are connected (as well as while the second fastening mechanisms (84,84') are in a connected position), said first panel (76) is connected to the first cover at the mouth via front segment (78) (i.e. 82, 82' releasably join the first panel 76 and the first cover) {for comparison purposes to further establish the fact that the first panel and first cover are releasably joined, when the first releasable fastening mechanism (82 and 82') are in the released position, said first panel (76) is not connected to the first cover at the mouth}.

Allowable Subject Matter

3. Claims 33 and 45 are allowed.

Response to Arguments

Please note, upon further consideration the allowable subject matters (i.e. claims 22-25, 31 and 32) have been withdrawn and prosecution is REOPENED (with new interpretation/explanation of HOLLINGSWORTH (USP 6,837,346).

Examiner respectfully points out that upon further review, broadly reading HOLLINGSWORTH, what was previously thought to be allowable is still read on the prior

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art (i.e. the first releasable fastening mechanism (82,82') allowing the first cover to be releasably joined to the first panel). This is because when the first releasable fastening mechanism (82 and 82') are connected, said first panel (76) is connected to the first cover at the mouth via front segment (78) (i.e. 82, 82' releasably join the first panel 76 and the first cover) {for comparison purposes, on the contrary, when the first releasable fastening mechanism (82and 82') are in the released position, said first panel (76) is not connected to the first cover at the mouth}. Examiner asserts that the language of claim 1 as written does not restrict the connection between the first panel and the first cover happen via the segment (78) while the second fastening mechanisms (84,84') are in a connected position. Examiner does recognize that if 84 & 84' are not connected, the broad interpretation of Holingwoth would not work, however, as it still stands, the claim does not exclude this arrangement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/

Examiner, Art Unit 3724

2/27/10

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724